

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN THE MATTER OF:

ROGER L ESTERWOOD,
Debtor.

CHAPTER 13
CASE NO. 08-61078-SWR
JUDGE STEVEN W RHODES

**TRUSTEE'S OBJECTION TO DEBTOR'S AMENDED PROPOSED CHAPTER 13
POST-CONFIRMATION PLAN MODIFICATION AND PROPOSED AMENDMENT
TO SCHEDULES**

NOW COMES the Chapter 13 Trustee, Krispen S. Carroll, and objects to the debtor's proposed Plan modification and proposed amendment to Schedules as follows:

1. The Plan fails to provide that 100% of all future tax refunds received by the debtor commencing with the 2009 income tax refund through the entire Plan pendency will be remitted to the Trustee for distribution among creditors in contravention of 11 U.S.C. § 1325(b)(1)(B) and In re Freeman, 86 F.3d 478 (6th Cir. 1996).
2. Trustee requests recent pay stubs that reflect the "increased contributions to insurance".
3. Trustee questions whether debtor has accurately accounted for his rent expense which according to Schedule J has not changed contrary to the statement in the Plan modification.
4. Trustee requires clarification of the dividend proposed by the Plan modification as the Plan modification indicates both a 32.33% dividend to unsecured creditors and a 46.6% dividend to unsecured creditors.

WHEREFORE, the Chapter 13 Trustee prays this Honorable Court deny the relief requested.

OFFICE OF THE CHAPTER 13 TRUSTEE-DETROIT
Krispen S. Carroll, Chapter 13 Trustee

February 16, 2010

_____/s/ Margaret Conti Schmidt
KRISPEN S. CARROLL (P49817)
MARGARET CONTI SCHMIDT (P42945)
MARIA GOTSIS (P67107)
719 Griswold Street
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CERTIFICATE OF MAILING

I hereby certify that on the date indicated below, I electronically filed **TRUSTEE'S OBJECTION TO DEBTOR'S AMENDED PROPOSED CHAPTER 13 POST-CONFIRMATION PLAN MODIFICATION AND PROPOSED AMENDMENT TO SCHEDULES** with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

GUY T CONTI PLLC
302 N HURON ST
YPSILANTI, MI 48197-0000

and I hereby certify that I have mailed by United States Postal Service the above mentioned documents to the following non-ECF participants:

ROGER L ESTERWOOD
220 LYNDENGLLEN DRIVE
UNIT 203
ANN ARBOR, MI 48103-0000

February 16, 2010

_____/s/ Barbara A. Ecclestone
Barbara A. Ecclestone
For the Office of the Chapter 13 Trustee-Detroit
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Detroit, MI 48226
(313) 962-5035
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